

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BENCHMARK
Serial No.: 10/588574
Filed: August 3, 2006
Confirmation No.: Unknown
Due Date: N/A
Title: NEW SYNBIOTIC USE

Examiner: Unknown
Group Art Unit: Unknown
Docket: 05822.0340USWO
Notice of Allow. Date: N/A

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 27, 2006.

By:
Name: Antonio Devora

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 12 Reference(s)
- ☒ Other: Form PCT/IB/306
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By:
Name: Dennis R. Daley
Reg. No.: 34,994
DRD/asd

S/N 10/588574

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BENGMARK	Examiner:	Unknown
Serial No.:	10/588574	Group Art Unit:	Unknown
Filed:	August 3, 2006	Docket No.:	05822.0340USWO
Title:	NEW SYNBIOTIC USE		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 October 22, 2006.

By: 

Name: Antonio Devora

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked

as being considered and initialed by the Examiner, to the undersigned with the next official communication.

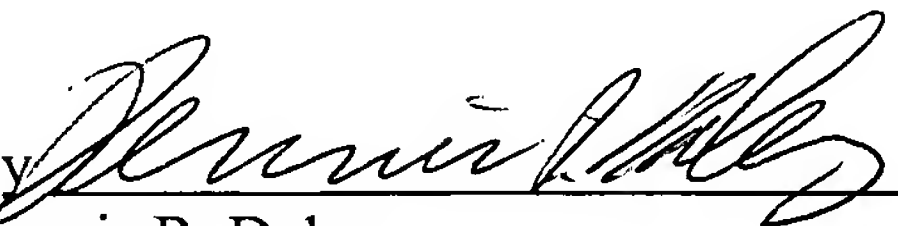
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,



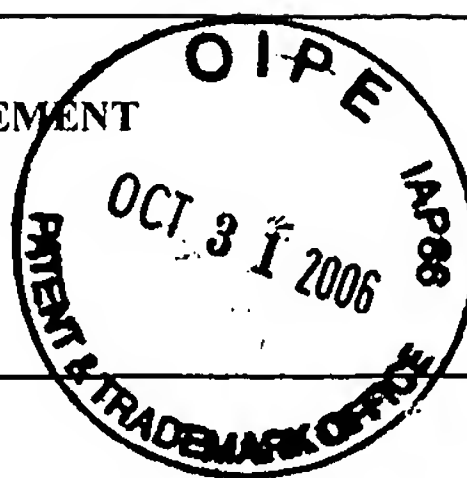
MERCHANT & GOULD P.C.
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Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: October 27, 2006

By 
Dennis R. Daley
Reg. No. 34,994

DRD/asd

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 05822.0340USWO	Application Number: 10/588574
	Applicant: BENGMARK	
	Filing Date: August 3, 2006	Group Art Unit: Unknown



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO2004/103083	12/02/2004	WIPO				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Angus et al. "Epidemiology of severe sepsis in the United States: Analysis of Incidence, Outcome, and Associated Costs of Care". <i>Crit. Care Med.</i> Vol. 29. No. 7. pp 1303-1310. 2001.					
		Jain et al. "Influence of Synbiotic Containing <i>Lactobacillus acidophilus</i> La5, <i>Bifidobacterium lactis</i> Bb 12, <i>Streptococcus thermophilus</i> , <i>Lactobacillus bulgaricus</i> and Oligofructose on Gut Barrier Function and Sepsis in Critically Ill Patients: A Randomised Controlled Trial". <i>Critical Nutrition.</i> Vol. 23. pp 467-475. 2004.					
		Woodcock et al. "An Investigation into the Effect of a Probiotic on Gut Immune Function in Surgical Patients". <i>Clinical Nutrition.</i> Vol. 23. pp 1069-1073. 2004.					
		Ljungh et al. "Isolation, Selection and Characteristics of <i>Lactobacillus paracasei</i> subsp. <i>paracasei</i> F19". <i>Microbial Ecology in Health and Disease.</i> pp 4-6. 2002.					
		Kruszewska et al. "Selection of Lactic Acid Bacteria as Probiotic Strains". <i>Microecology and Therapy.</i> Vol. 29. pp 37-49. 2002.					
		Bengmark. "Bio-ecological Control of Perioperative and ITU Morbidity". <i>Langenbecks Arch Surg.</i> Vol. 389. pp 145-154. 2004.					
		Bengmark. "Synbiotic Control of Inflammation and Infection in Transplantation". <i>Transplantation Reviews.</i> Vol. 18. No. 1. pp 38-53. January 2004.					
		Bengmark. "Use of Some Pre-, Pro-, and Synbiotics in Critically Ill Patients". <i>Best Practice & Research Clinical Gastroenterology.</i> Vol. 17. No. 5. pp 833-848. 2003.					
		Colucci et al. "Prevention of Postoperative Adhesions by Probiotic Administration in Colonic Surgery". <i>European Surgical Research.</i> Vol. 35. pp 309. P137. 2003.					
		Liu et al. "Synbiotic Modulation of Gut Flora: Effect on Minimal Hepatic Encephalopathy in Patients with Cirrhosis". <i>Hepatology.</i> pp 1441-1449. May 2004.					
		Moller et al. "Changes in Cytokine Concentration During Enrichment of Early Enteral Nutrition with Lactic Acid Bacterium (Synbiotic 2000) After Major Abdominal Surgery". <i>Critical Care.</i> Vol. 8. No. 1. pp 1-2. 2004. http://ccforum.com/content/8/S1/P273					

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PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	